

# **EXHIBIT 11**

30(b)(6) Abbott (Fishman, David S.)

March 12, 2008

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL )  
INDUSTRY AVERAGE WHOLESALE )  
PRICE LITIGATION ) MDL No. 1456  
-----) Civil Action  
This document relates to: ) No. 01-12257-PBS  
United States of America, )  
ex. rel. Ven-a-Care of the )  
Florida Keys, Inc., ) Hon. Patti Saris  
vs. )  
Abbott Laboratories, Inc., ) Magistrate Judge  
CIVIL ACTION NO. 06-11337-PBS ) Marianne Bowler

Videotaped 30(b)(6) deposition of DAVID S.  
FISHMAN, called by the Plaintiffs for examination,  
taken pursuant to notice, agreement and by the  
provisions of the Rules of Civil Procedure for the  
United States District Courts pertaining to the  
taking of depositions, taken before DEBORAH HABIAN, a  
Notary Public within and for the County of Cook,  
State of Illinois, and a Certified Shorthand Reporter

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55 (Pages 214 to 217)

<p style="text-align: right;">214</p> <p>1 approving the operating guidelines, the President of</p> <p>2 HPD would not have required a prohibition against</p> <p>3 spread marketing --</p> <p>4 MS. CITERA: Objection to the --</p> <p>5</p> <p>6 BY MS. ST. PETER-GRIFFITH:</p> <p>7 Q. -- or AWP discussions with clients?</p> <p>8 MS. CITERA: Objection to the form, outside the</p> <p>9 scope.</p> <p>10 MS. ST. PETER-GRIFFITH: It's not outside the</p> <p>11 scope.</p> <p>12 THE WITNESS: I don't know why he -- the</p> <p>13 guidelines were not policies and procedures. They</p> <p>14 were guidelines, and the subject matter and focus of</p> <p>15 those guidelines did not encompass AWP -- specifically</p> <p>16 AWP or pricing or any -- any aspect of pricing.</p> <p>17</p> <p>18 BY MS. ST. PETER-GRIFFITH:</p> <p>19 Q. Why didn't they?</p> <p>20 A. It was --</p> <p>21 MS. CITERA: Objection to form, outside the</p> <p>22 scope.</p>	<p style="text-align: right;">216</p> <p>1 <b>Charlie Brock in his capacity with working with the</b></p> <p>2 <b>Business Conduct Committee, no.</b></p> <p>3 Q. What did they tell you about</p> <p>4 Mr. Gonzalez's role in compliance matters?</p> <p>5 A. <b>Nothing specifically.</b></p> <p>6 Q. What about Mr. Hodgson and Mr. Burnham,</p> <p>7 they had previously held leadership roles within HPD,</p> <p>8 didn't they?</p> <p>9 A. <b>Whew.</b></p> <p>10 Q. I know I might be taxing your memory.</p> <p>11 A. <b>Burnham, no.</b></p> <p>12 Q. Okay.</p> <p>13 A. <b>To my knowledge, Burnham became CEO in</b></p> <p>14 <b>'89, and prior to that, he was CFO, and I don't that</b></p> <p>15 <b>he -- I don't -- I think he came in as CFO.</b></p> <p>16 Q. Okay.</p> <p>17 A. <b>But I'm not positive of that.</b></p> <p>18 Q. Do you --</p> <p>19 A. <b>I know he succeeded CEO from CFO.</b></p> <p>20 <b>Burnham -- or not Burnham. Hodgson had various</b></p> <p>21 <b>responsibilities before becoming President, and</b></p> <p>22 <b>immediately prior to being President, he was President</b></p>
<p style="text-align: right;">215</p> <p>1 MS. ST. PETER-GRIFFITH: It's not outside the</p> <p>2 scope.</p> <p>3 THE WITNESS: It was -- it wasn't the scope of</p> <p>4 the guidelines. The guidelines dealt with program</p> <p>5 funding.</p> <p>6</p> <p>7 BY MS. ST. PETER-GRIFFITH:</p> <p>8 Q. Did Mr. Gonzalez ever address the issue of</p> <p>9 whether or not there should be a formal prohibition</p> <p>10 against discussions of AWP, spread or spread marketing</p> <p>11 within Hospital Products Division?</p> <p>12 A. <b>I do not know that.</b></p> <p>13 MS. CITERA: Same objections.</p> <p>14</p> <p>15 BY MS. ST. PETER-GRIFFITH:</p> <p>16 Q. Did you do anything to research that?</p> <p>17 A. <b>No.</b></p> <p>18 Q. Did you do anything at all to research</p> <p>19 Mr. Gonzalez's involvement in compliance matters in</p> <p>20 his capacity as President of HPD?</p> <p>21 A. <b>Other than talking with -- talking with</b></p> <p>22 <b>Mike Sellers and Ginny Tobiason as members of HPD and</b></p>	<p style="text-align: right;">217</p> <p>1 <b>of the international division, Abbott International,</b></p> <p>2 <b>and prior to that, I don't know.</b></p> <p>3 <b>The only -- funny story. The only</b></p> <p>4 <b>reason I know he had any connection to HPD was he was</b></p> <p>5 <b>Plant Manager in the '60s of Ashland, and he used to</b></p> <p>6 <b>go to the country club pool after work and practice</b></p> <p>7 <b>rolling his kayak.</b></p> <p>8 Q. Okay. Did you do anything to research</p> <p>9 what Mr. Hodgson or Mr. Burnham's role was in</p> <p>10 compliance matters at any time from '91 through 2003?</p> <p>11 A. <b>Neither of them would have been there that</b></p> <p>12 <b>long, but in the period of time that they were there,</b></p> <p>13 <b>no.</b></p> <p>14 Q. Sir, how did you decide what testimony to</p> <p>15 review and what witnesses to interview in preparation</p> <p>16 for your testimony here today?</p> <p>17 A. <b>I de --</b></p> <p>18 MS. CITERA: Objection to form.</p> <p>19 THE WITNESS: Yeah.</p> <p>20 I described the witnesses -- why I</p> <p>21 talked to the people I talked to was as a result of</p> <p>22 conversations with counsel in identifying pieces of</p>